

12/17/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2106A

NAME AND ADDRESS: LORRAINE POWELL
5500 BANNOCK HWY
POCATELLO ID 83204

JOHN D POWELL JR
5500 BANNOCK HWY
POCATELLO ID 83204

SOURCE: JOHNNY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 09/17/1910

POINT OF DIVERSION:

T07S R35E S7 SWSESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.120 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S07 SESE 6.0

6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

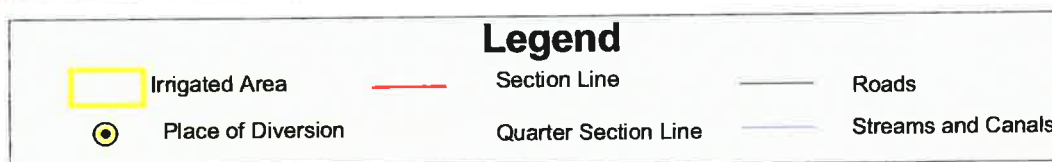
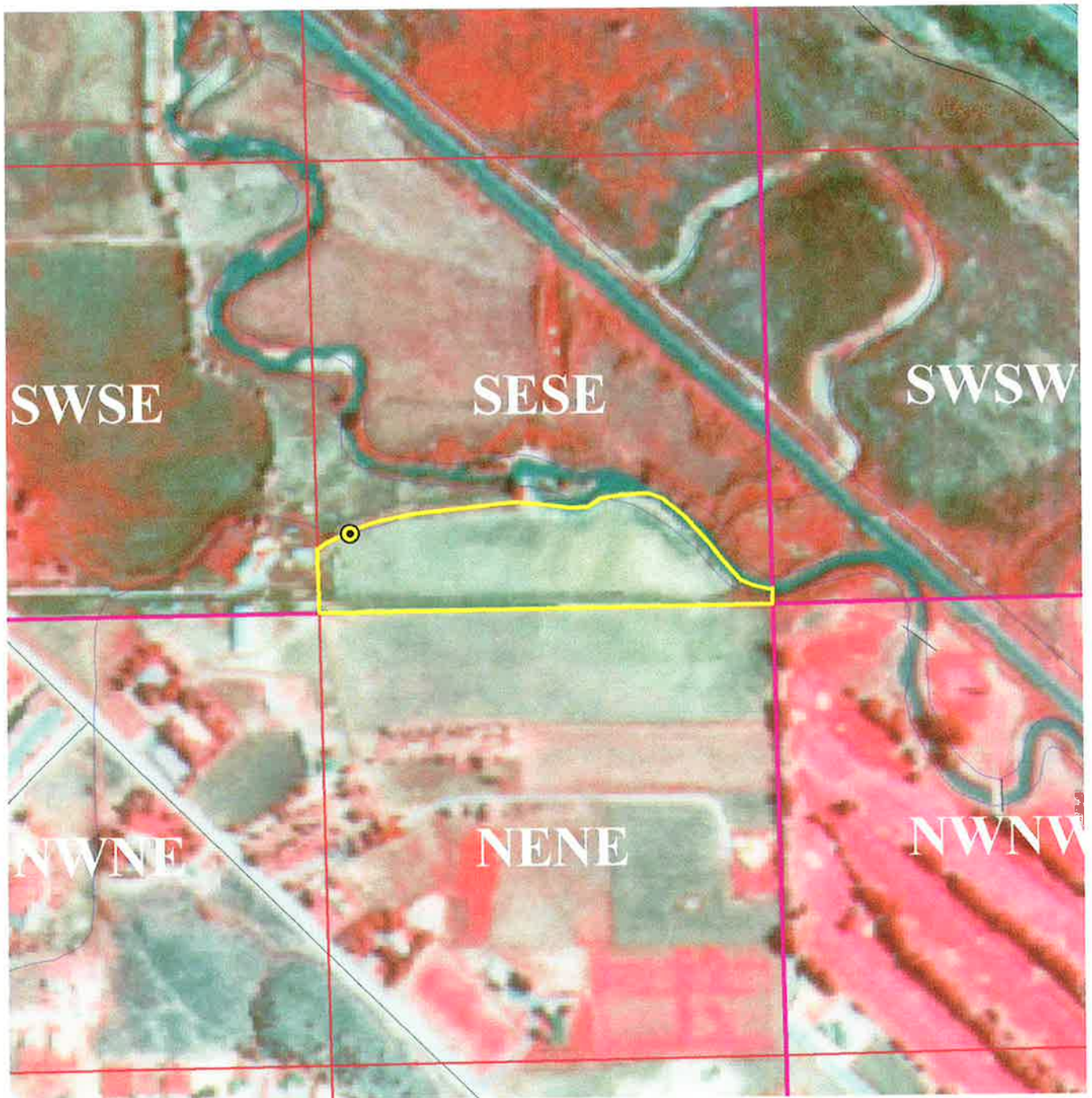
EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

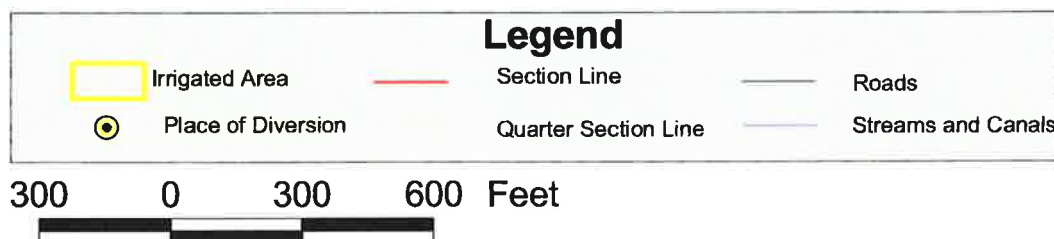
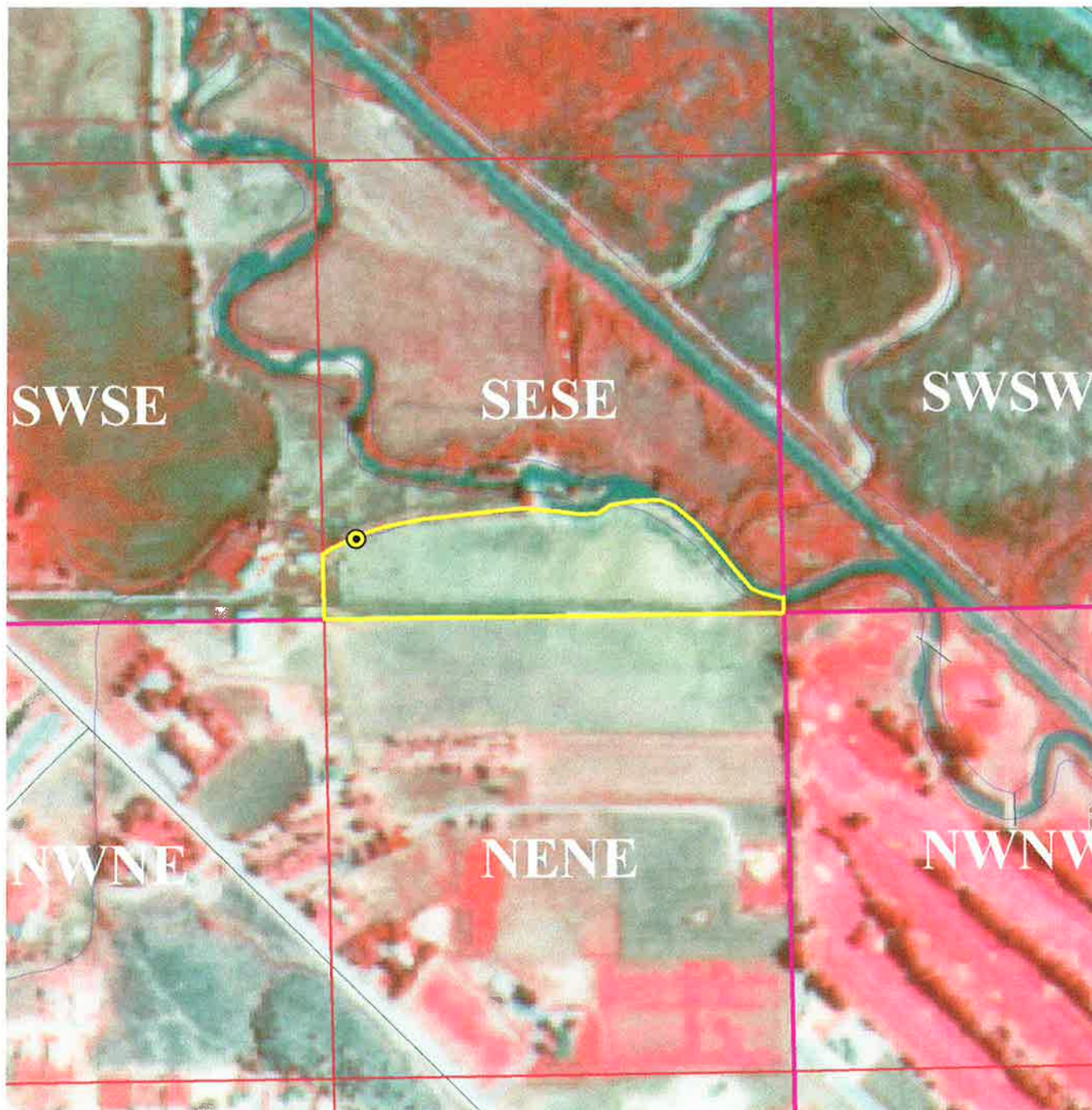
Water Right Claim Number A29-02106A
Township , 7S35E

08/28/2000



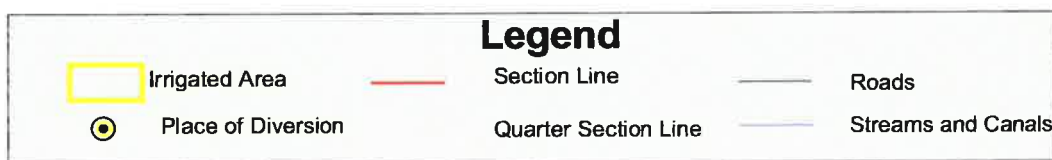
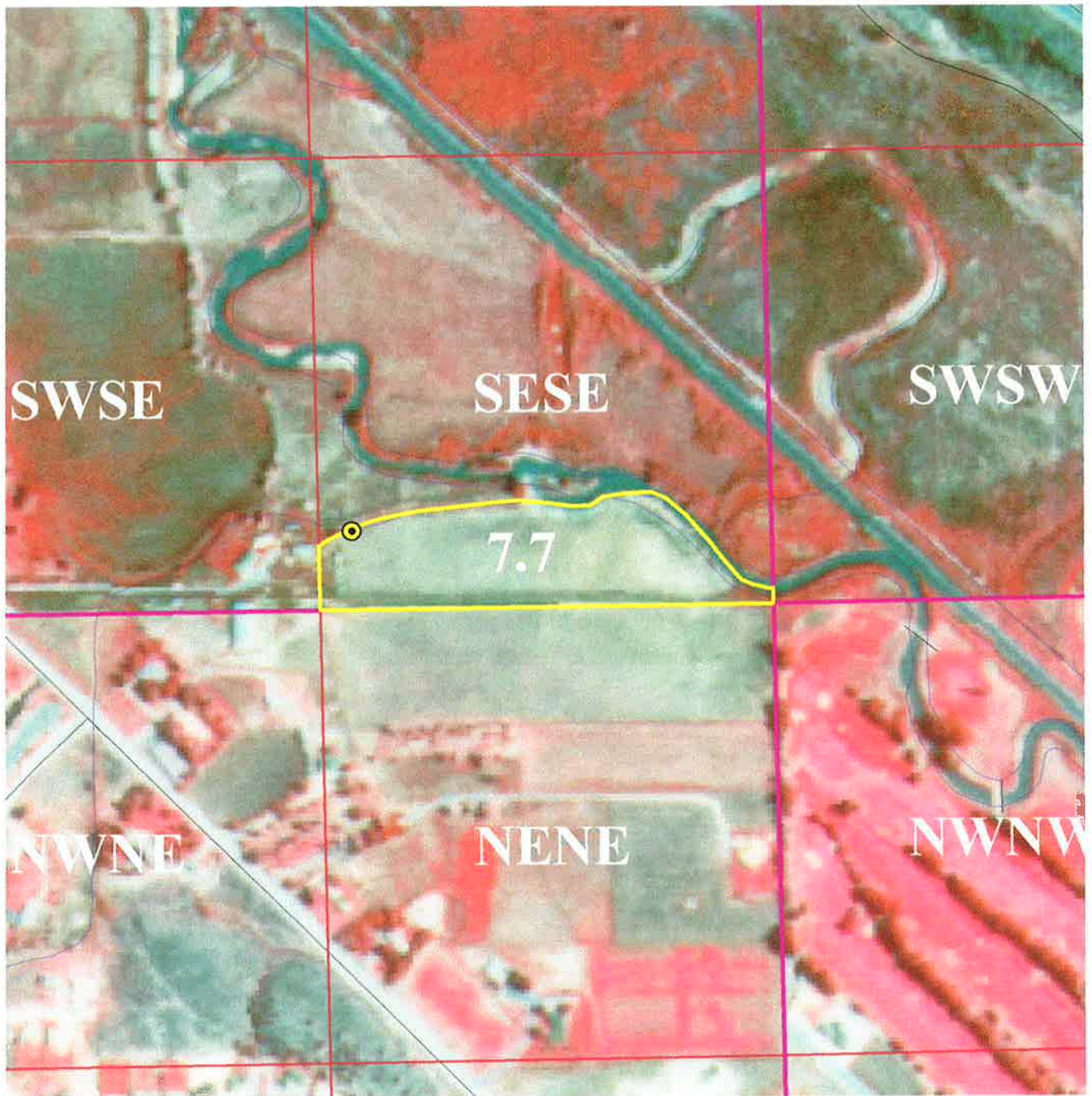
Water Right Claim Number A29-02106A
Township , 7S35E

08/28/2000



Water Right Claim Number A29-02106A
Township , 7S35E

08/28/2000



02/13/2003

NOTICE OF ERROR
REPLY

Wright
Paul

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-2106A

LORRAINE POWELL
5500 BANNOCK HWY
POCATELLO ID 83204
Telephone Number: (208)232-2278

JOHN D POWELL JR
5500 BANNOCK HWY
POCATELLO ID 83204
Telephone Number: (208)232-2278

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

4/15/03

SIGNATURE:

JAMES E. ROGERS

Please print your name:

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
MAY 21 2003
Department of Water Resources
Eastern Region

RECEIVED
MAY 07 2003
WATER RESOURCES
WESTERN REGION

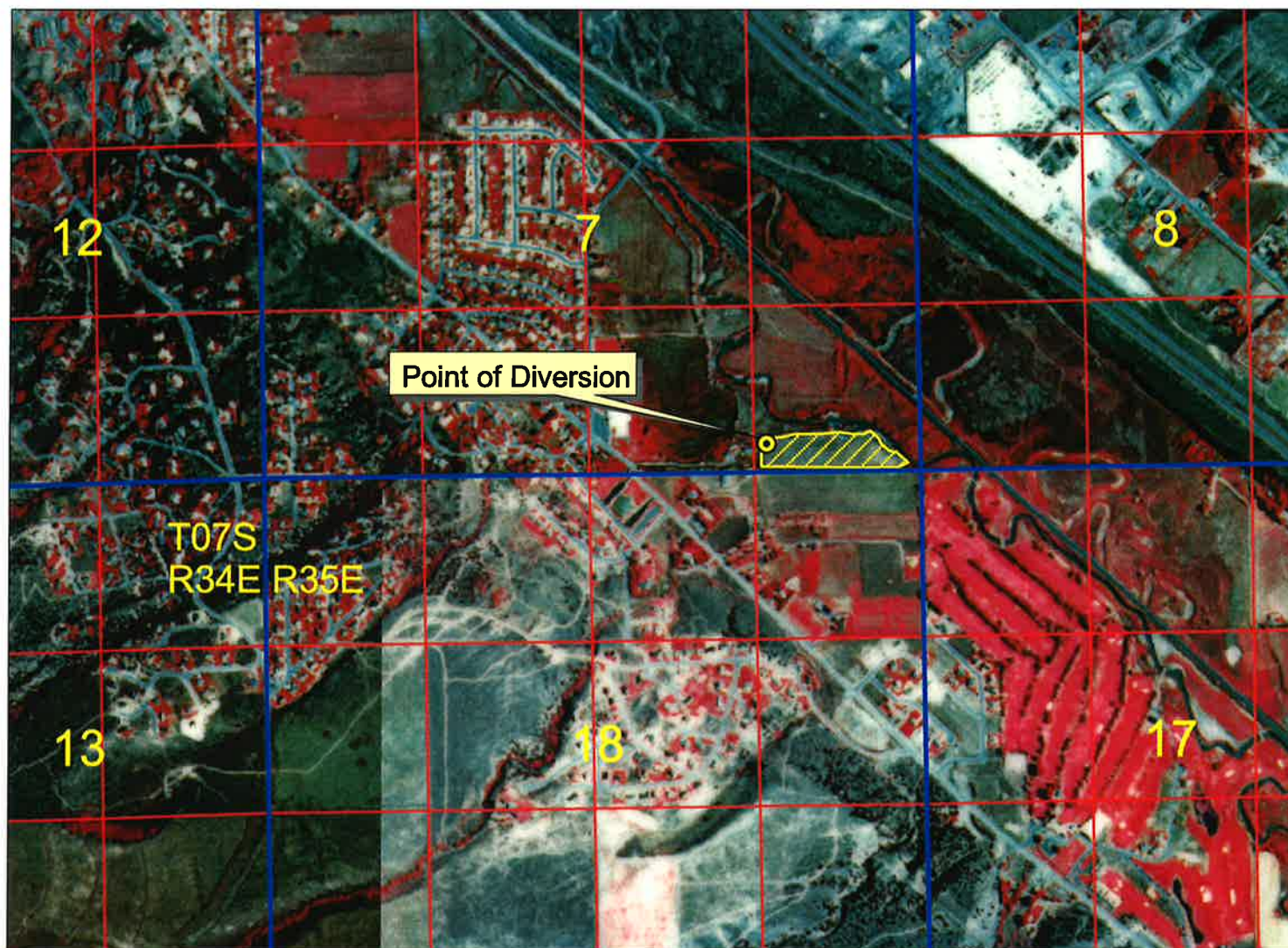
SCANNED

DEC 28 2005

PROFILED

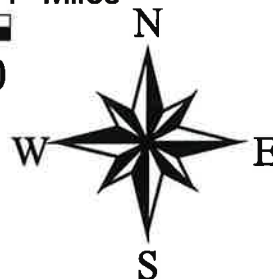


State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-2106A



0.5 0 0.5 1 Miles

1:16000



- ⊙ Point(s) of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

SCANNED
DEC 28 2005

PROFILED

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: December 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DELOG
CS 1/03

RECEIVED

APR 23 2003

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Department of Water Resources
Eastern District Office

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29-2106A					

RECEIVED
MAY 21 2003
Department of Water Resources
Eastern District Office

RECEIVED

MAY 07 2003

WATER RESOURCES
WESTERN REGION

The following **REQUIRED** information must be submitted with this form:

- The appropriate **FILING FEE**. See instructions for fee amounts.
- A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Lorraine Powell, John D. Powell Jr.

5500 Bannock Hwy Pocatello, ID 83204

4. New Owner/Claimant(s)

Oregon Trail Broadcasting Co.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1500 Foremaster Ln.

City, State and ZIP Code

Las Vegas, NV 89101

New Telephone Number

(702) 657-3142

5. Date you acquired the property

2/1/02

PROFILED

SCANNED

DEC 28 2005

4-1
WARRANTY DEED

20202588

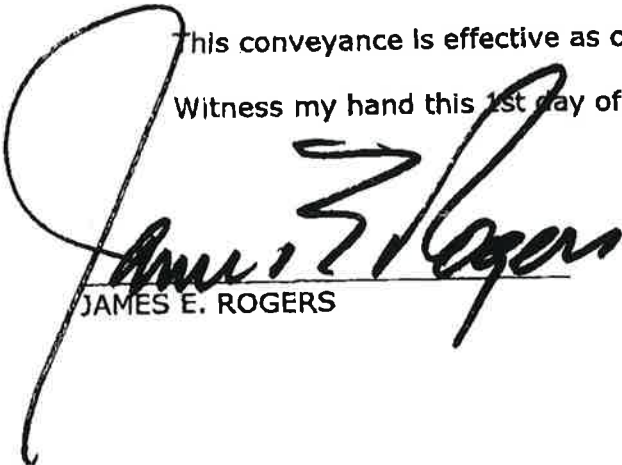
FOR VALUE RECEIVED, James E. Rogers and Beverly Rogers, the Grantors, do hereby grant, bargain, sell and convey unto OREGON TRAIL BROADCASTING, a Nevada Corporation, the Grantees, whose current address is 1500 Foremaster Lane, Las Vegas, Nevada 89101, the following described real property situated in the County of Bannock, State of Idaho, bounded and described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the same premises, with their appurtenances unto the said Grantee and Grantee's successors and assigns forever. The Grantors do hereby covenant and warrant to and with the Grantee that the Grantors are the owners in fee simple of such premises; that such premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. 50505TZ, dated August 28, 1997; those made, suffered, assumed, or created by the Grantee; reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessment's, if any, for the current year) that are not yet due and payable; and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

This conveyance is effective as of February 1, 2002.

Witness my hand this 1st day of February, 2002


JAMES E. ROGERS


BEVERLY ROGERS

ORIGINAL

SCANNED

DEC 28 2005

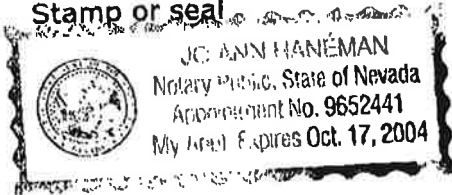
4.2

20202588

State of Nevada)
)
County of Clark) ss.

On this 1st day of February 2002, personally appeared before me, a Notary Public, in and for said County and State, James E. Rogers and Beverly Rogers who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Stamp or seal



Signature

A handwritten signature in cursive script, appearing to read "Jo Ann Haneman".

SCANNED

DEC 28 2005

EXHIBIT "A"

20202588

A tract of land in the SE1/4 of Section 7, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, a portion of the land described in instrument no. 542515 of the records of Bannock County, Idaho, described as follows:

Commencing at the South quarter corner of Section 7, Township 7 South, Range 35 East, Boise Meridian; thence South $89^{\circ}21'33''$ East along the South line of Section 7 for a distance of 387.32 feet to an intersection with the Northeasterly right of way line Bannock Highway, the true point of beginning;

thence continuing South $89^{\circ}21'33''$ East along the said South line for a distance of 2255.99 feet to the Southeast corner of said Section 7; thence North $00^{\circ}17'55''$ East along the East line of said Section 7 for a distance of 24.93 feet, more or less, to an intersection with the center of the Portneuf River;

thence Northwesterly following the center of the Portneuf River for a distance of 1897.0 feet, more or less, to an intersection with the East boundary of the Portneuf River flood control levee, described in instrument no. 425621 of the records of Bannock County, from said intersection the South quarter corner of Section 7 bears South $60^{\circ}06'00''$ West a distance of 1376.03 feet;

thence Southeasterly along the Easterly boundary of the flood control levee, following 218.24 foot radius, non-tangent curve, through a central angle of $10^{\circ}30'36''$ for an arc distance of 40.03 feet to a point of tangency (the chord of the afore described curve bears South $45^{\circ}56'45''$ East 39.98 feet);

thence continuing along the said Easterly boundary of the flood levee, South $03^{\circ}14'00''$ East for a distance of 380.90 feet to an angle point; thence South $67^{\circ}15'00''$ West along the said Easterly boundary for a distance of 153.28 feet to an angle point; thence North $22^{\circ}49'53''$ West along the said Easterly boundary for a distance of 68.34 feet to an intersection with the Southeasterly boundary of the land of School District 25;

thence South $60^{\circ}15'27''$ West along the Southeasterly boundary of the said school land for a distance of 481.55 feet; thence North $89^{\circ}21'33''$ West along the South boundary of the said school land for a distance of 325.01 feet to an intersection with the Northeast right of way line of the Bannock Highway; thence South $47^{\circ}28'01''$ East for a distance of 74.88 feet to the point of beginning.

SCANNED

DEC 28 2005

4-U
EXHIBIT "A"

20202588

EXCEPTING THEREFROM:

A parcel of land in the SW1/4 SE1/4 of Section 7, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, a portion of the land described in instrument no. 342515 of the records of Bannock County, Idaho, described as follows:

Commencing at the South 1/4 corner of Section 7, Township 7 South, Range 35 East, Boise Meridian; thence North 00°24'00" West a distance of 50.0 feet along the meridional centerline of Section 7; thence South 89°59'27" East a distance of 654.95 feet, more or less, to a 1/2-inch iron rod tagged "LS 4430" being 50 feet North of the South line of Section 7 and is the Southeast corner of School District 25 property in deed no. 383657, said point being the true point of beginning;

thence North 59°46'00" East a distance of 594.70 feet along the Southeast boundary of deed no. 383657 to a 5/8-inch iron pin; thence South 43°50'27" West a distance of 415.10 feet; thence North 88°45'48" West a distance of 231.55 feet to the true point of beginning.

NO 20202588
RECORDED AT REQUEST OF
James Rogers
2002 FEB 6 PM 2:57
OFFICIAL BOOK NO 807
BANNOCK COUNTY IDAHO
LARRY W. GHAN RECORDER
FEE 12- DEPUTY

SCANNED TOTAL P.07

DEC 28 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 17, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN D & LORRAINE POWELL JR
4700 S FIFTH AVE TRLR 52
POCATELLO ID 83204-2155

RE: CHANGE OF ADDRESS FOR A29-02106A

Dear Mr. & Mrs. Powell:

It has come to our attention that your mailing address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

John D & Lorraine Powell Jr.
5500 Bannock Hwy
Pocatello ID 83204

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

DEC 28 2005

PROFILED

SCANNED

JUN 19 2001

Log for claim A29-02106A

Spatial Dynamics LTD

8/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	7	SESE	6	7.7	
Totals:			6	7.7	

AJ5809NP
No. A29-02106A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 108

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN D POWELL JR	09/17/1910	IRRIGATION	04-01 11-01	0.120 CFS	
C	LORRAINE POWELL					
	5500 BANNOCK HWY					
	POCATELLO ID 83204					
	(208) 232-2278					
				TOTAL DIVERSION:	0.120 CFS	
				CONSUMPTIVE USE:		15.00 AFA

Water Source: JOHNNY CREEK

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T07S R35E S07 SESE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
07S	35E	7	:	:	:	:	:	:	:	:	:	:	:			
													06	6.0		
													TOTAL ACRES	6.0		

POU County: BANNOCK

Other Rights: A29-02137A.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02137A

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02137 A29-02137A

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 29C	Field Inspection Flag:	
		Presumption Flag: C	
Audit:	04/11/90 CARLSEN	06/02/94 COX	03/29/95 POST-STD

JUN 15 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02106A

Date Received: 4/10/1990

Receipt No: 8013000

Received By: ENE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN D. POWELL, JR. 208-232-2278
Address: 5500 BANNOCK HWY.
POCATELLO, ID 83204

OR
Name: LORRAINE POWELL 208-232-2278
Address: 5500 BANNOCK HWY.
POCATELLO, ID 83204

2. Date of Priority: SEP 17, 1910

3. Source: JOHNNY CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	7	SE	SE			BANNOCK

5. Description of diverting works:
PORTABLE DAM IN OPEN DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		

7. Total Quantity Appropriated is:
0.120 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A2902106A



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	7	SE SE		IRR	6.0
Section Acres						6.0
Total Acres						6.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A29-02137A.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 6846

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *John D. Bull* Date: 4-10-90

Date: _____

State of Idaho)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of April 19 90.

Ernest Carlsen
Notary Public



Residing at *Alber Falls, ID*
My Commission Expires 6-14-1994

A29-02106A

Page 2

Date: 04/10/90

MICROFILMED

NOV 13 1992



A29-02106A

T 7 S R35E

Point of Diversion

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NOV 1996